

## ¶103.11 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII,

Ms. WATERS introduced a bill (H.R. 4038) to approve a previously disapproved amendment to the Sentencing Guidelines relating to criminal sentences for cocaine offenses; to the Committee on the Judiciary.

## ¶103.12 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

240. By the SPEAKER: Memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 96-1022 extending condolences to the people of the Ukraine on the 10th anniversary of the Chernobyl disaster; to the Committee on International Relations.

241. Also, memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 96-1006 designating John L. "Jack" Swigert be honored and memorialized by a statue in the U.S. Capitol; to the Committee on House Oversight.

## ¶103.13 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1100: Ms. MCKINNEY.

H.R. 1591: Mr. NADLER and Mr. MILLER of California.

H.R. 2450: Mr. GUNDERSON.

H.R. 2470: Mr. CRANE.

H.R. 2618: Mr. FARR.

H.R. 3142: Mr. DOOLITTLE, Ms. GREENE of Utah, Mr. BARRETT of Nebraska, Mr. MARTINI, Mr. SHADEGG, Ms. ROYBAL-ALLARD, Mr. DIXON, Mr. CUMMINGS, Mr. LOBIONDO, and Mr. HASTINGS of Washington.

H.R. 3292: Ms. LOFGREN.

H.R. 3355: Mr. ACKERMAN.

H.R. 3588: Mr. OBERSTAR.

H.R. 3796: Ms. SLAUGHTER.

H.R. 3873: Mr. BRYANT of Texas.

H.R. 3917: Ms. SLAUGHTER.

H. Res. 30: Mr. TANNER, Mr. FRAZER, Mr. LARGENT, Mr. LUCAS, and Ms. MILLENDER-MCDONALD.

**TUESDAY, SEPTEMBER 10, 1996 (104)**

## ¶104.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. BARRETT of Nebraska, who laid before the House the following communication:

WASHINGTON, DC,  
September 10, 1996.

I hereby designate the Honorable BILL BARRETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,  
*Speaker of the House of Representatives.*

## ¶104.2 MESSAGE FROM THE SENATE

A message from the Senate by Ms. MCDEVITT, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4018. An Act to make technical corrections in the Federal Oil and Gas Royalty Management Act of 1982.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1324. An Act to amend the Public Health Service Act to revise and extend the solid-organ procurement and transplantation programs, and the bone marrow donor program, and for other purposes.

## ¶104.3 "MORNING HOUR" DEBATES

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, pursuant to the order of the House of Friday, May 12, 1995, recognized Members for "morning hour" debates.

## ¶104.4 RECESS—12:41 P.M.

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, pursuant to clause 12 of rule I, declared the House in recess at 12 o'clock and 41 minutes p.m., until 2:00 p.m.

## ¶104.5 AFTER RECESS—2:00 P.M.

The SPEAKER pro tempore, Ms. GREENE, called the House to order.

## ¶104.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. GREENE, announced she had examined and approved the Journal of the proceedings of Monday, September 9, 1991.

Pursuant to clause 1, rule I, the Journal was approved.

## ¶104.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

4939. A letter from the Secretary of Energy, transmitting the Department's 34th quarterly report to Congress on the status of Exxon and stripper well oil overcharge funds as of March 31, 1996; to the Committee on Commerce.

4940. A letter from the U.S. Court of Appeals, District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals for the District of Columbia Circuit (94-1558—Engine Manufacturers Association, on Behalf of Certain of Its Members versus Environmental Protection Agency); to the Committee on Commerce.

4964. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's rule—Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals with Disabilities, Disabled Veterans and Veterans of the Vietnam Era; Approval of Information Collection Requirements and OMB Control Numbers (RIN: 1215-AA62, 1215-AA76) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4972. A letter from the U.S. Court of Appeals, District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals for the District of Columbia Circuit (95-5057—Scott Armstrong, et al. versus Executive Office of the President); to the Committee on Government Reform and Oversight.

4974. A letter from the Director, Financial Services, Library of Congress, transmitting the activities of the Capitol preservation fund for the first 9 months of fiscal year 1996, which ended on June 30, 1996, and comparable data for the same period of the previous fiscal year; to the Committee on House Oversight.

5000. A letter from the U.S. Court of Appeals, District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals for the District of Columbia Circuit (92-3133—United States of America versus

Rochell Ardall Crowder); to the Committee on the Judiciary.

5023. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Black Hills, South Dakota, Marketing Area; Termination of the Order [DA-96-12] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5024. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Assessment Rates for Specified Market Orders [Docket No. FV96-927-2 IFR] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5025. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Scrapie Indemnification Program [Docket No. 96-042-1] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5026. A letter from the Assistant Secretary, Department of Health and Human Services, transmitting the Department's final rule—Native American Programs (RIN: 0970-AB37) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

5027. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Rate for Valuing Benefits (29 CFR Part 4044) received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

5028. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Consumer Information Regulations, Uniform Tire Quality Grading Standards (RIN: 2127-AF17) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5029. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Grande Fiesta Italiana Fireworks, Hempstead Harbor, New York (U.S. Coast Guard) [CGD01-96-109] (RIN: 2115-AA97) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5030. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modernization of Examination Methods (U.S. Coast Guard) [CGD 94-029] (RIN: 2115-AE94) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5031. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Procedures for Abatement of Highway Traffic Noise and Construction Noise (Federal Highway Administration) [FHWA Docket No. 96-26] (RIN: 2125-AD97) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5032. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Pilot State Highway Safety Program (National Highway Traffic Safety Administration) [NHTSA Docket No. 93-55, Notice 4] (RIN: 2127-AF94) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5033. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Technical Amendments to Rule Relating to Payments for the Distribution of Shares by a Registered Open-End Management Investment Company (RIN: 3235-AG59) received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5034. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Exemption for Certain Open-End Management Investment Companies to Impose Deferred Sales Loans (RIN: 3235-AD18) received September 10, 1996, pursuant to U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5035. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Order Execution Obligations (RIN: 3235-AG66) received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5036. A letter from the Comptroller General, transmitting a list of all reports issued or released in July 1996, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

5037. A letter from the Executive Director, Assassination Records Review Board, transmitting the JFK Assassination Records Review Board's compliance with the Freedom of Information Act for 1995, pursuant to 5 U.S.C. section 552; to the Committee on Government Reform and Oversight.

5038. A letter from the Acting Chair, Federal Subsistence Board, transmitting the Board's final rule—Subsistence Management Regulations for Public Lands in Alaska, Subpart C & Subpart D—1996-1997 Subsistence Taking of Fish and Wildlife Regulations; Correcting Amendments (RIN: 1018-AD42) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5039. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Listing of the Umpqua River Cutthroat Trout in Oregon (RIN: 1018-AD96) received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5040. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Amendment 1 [Docket No. 960409106-6207-02; I.D. 031196A] (RIN: 0648-AG26) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5041. A letter from the Acting Director, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Scallop Fishery; Closure in Registration Area D [Docket No. 960502124-6190-02; I.D. 083096D] received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5042. A letter from the Director, Bureau of Prisons, transmitting the Bureau's final rule—Education Tests: Minimum Standards for Administration, Interpretation, and Use [BOP-1031-F] (RIN: 2129-AA44) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5043. A letter from the Secretary, Federal Trade Commission, transmitting a copy of the joint U.S. Department of Justice/Federal Trade Commission "Statements of Enforcement Policy Relating to Health Care and Antitrust"; to the Committee on the Judiciary.

5044. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Immigration and Nationality Forms (INS No. 1638-95) (RIN: 1115-AD58) received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5045. A letter from the Commissioner, Immigration and Naturalization Service, trans-

mitting the Service's final rule—Removal of Obsolete Sections of the Regulation Concerning Temporary Protected Status for Salvadorans [INS No. 1612-93] (RIN: 1115-AE43) received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5046. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Children Born Outside the United States; Application for Certificate of Citizenship [INS No. 1712-95] (RIN: 1115-AE07) received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5047. A letter from the Assistant General Counsel, U.S. Information Agency, transmitting the Agency's final rule—Exchange Visitor Program (22 CFR Part 514) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5048. A letter from the Secretary of Transportation, transmitting the Department's study on tanker navigation safety standards: Evaluation of Oil Tanker Routing, Part 2—Atlantic and Florida Gulf Coasts, pursuant to Public Law 101-380, section 4111(b)(7) (104 Stat. 516); to the Committee on Transportation and Infrastructure.

5049. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Compressed Natural Gas Fuel Container Integrity (National Highway Traffic Safety Administration) [Docket No. 93-02; Notice 14] (RIN: 2127-AF14) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5050. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Hilton Head, SC (U.S. Coast Guard) [CGD07-96-051] (RIN: 2115-AE46) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5051. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Bellingham Bay, Bellingham, WA (U.S. Coast Guard) [CGD13 96-028] (RIN: 2115-AA97) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5052. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Delta County Airport Escanaba, MI (Federal Aviation Administration) [Airspace Docket No. 96-AGL-3] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5053. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC-7 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-264-AD; Amendment 39-9746; AD 96-18-19] (RIN: 2120-AA64) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5054. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Piaggio Model P-180 Airplanes (Federal Aviation Administration) [Docket No. 95-NM-256-AD; Amendment 39-9747; AD 96-18-20] (RIN: 2120-AA64) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5055. A letter from the Technical Advisor to the Assistant Chief Counsel, Internal Revenue Service, transmitting the Service's final rule—Notice of Public Hearing; Interest

Netting Study (Announcement 96-75) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5056. A letter from the Technical Advisor to the Assistant Chief Counsel, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Revenue Ruling 96-39) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5057. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treatment of Section 355 Distributions By U.S. Corporations to Foreign Persons [TD 8682] received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5058. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Revenue Ruling 96-46) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5059. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reduction in Certain Deductions of Mutual Life Insurance Companies (Revenue Ruling 96-42) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5060. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and Determination Letters (Revenue Procedure 96-47) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5061. A letter from the Under Secretary of Defense for Acquisition and Technology, Department of Defense, transmitting amount of DOD purchases from foreign entities in fiscal year 1995, pursuant to Public Law 103-335, section 8058(b); jointly, to the Committees on National Security and Appropriations.

5062. A letter from the Administrator, Agency for International Development, transmitting the Agency's annual report to Congress on activities under the Denton Program for fiscal year 1996, pursuant to 10 U.S.C. 402; jointly, to the Committees on National Security and International Relations.

5063. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for Presidential determination regarding the drawdown of defense articles and services for Vietnam, pursuant to 22 U.S.C. 2318(a)(1); jointly, to the Committees on International Relations and Appropriations.

5064. A letter from the Chair, Civil Tiltrotor Development Advisory Committee, Department of Transportation, transmitting the report of the Civil Tiltrotor Development Advisory Committee [CTRDAC], pursuant to Public Law 102-581, section 135; jointly to the Committees on Transportation and Infrastructure and Science.

#### ¶104.8 COMMITTEE ON INAUGURAL CEREMONIES

The SPEAKER pro tempore, Ms. GREENE, by unanimous consent and pursuant to the provisions of S. Con. Res. 47, announced that the Speaker did appoint to the Joint Congressional Committee on Inaugural Ceremonies, Messrs. GINGRICH, ARMEY, and GEPHARDT on the part of the House.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

#### ¶104.9 CORRECTIONS CALENDAR

Pursuant to clause 4, rule XIII, The SPEAKER pro tempore, Ms. GREENE, directed the Corrections Calendar to be called.

When,

#### ¶104.10 COUNTY HEALTH ORGANIZATION

The Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 3056) to permit a county-operated health insuring organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county.

When said bill was considered and read twice.

The SPEAKER pro tempore, Ms. GREENE, pursuant to clause 4 of rule XIII, recognized Mr. MOORHEAD and Mr. RICHARDSON, each for 30 minutes.

After debate,

Pursuant to clause 4 of rule XIII, the previous question on the bill was considered as ordered.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Ms. GREENE, announced that three-fifths of the Members present had voted in the affirmative.

So, three-fifths of the Members present having voted in favor thereof, the bill was passed.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶104.11 CAMPUS SECURITY

Mr. GOODLING moved to suspend the rules and agree to the following resolution (H. Res. 470):

Whereas crime on our Nation's college campuses is a growing concern among students, parents, and educators;

Whereas Congress passed the Student Right to Know and Campus Security Act in 1990 so that students and parents would have access to information with respect to crimes occurring on college campuses;

Whereas Congress intended that information on crime be provided so that students could take steps to protect themselves from becoming victims;

Whereas Congress was particularly concerned with the timely reporting to students instances of violent crimes occurring on campus; and

Whereas questions have been raised with respect to compliance with the Campus Security Act and enforcement by the Department of Education: Now, therefore, be it

*Resolved*, That in order for students to have information vital for their own safety on our Nation's college campuses, it is the sense of the Congress that the Department of Education should make the monitoring of compliance and enforcement of the provisions of section 485(f) of the Higher Education Act of 1965 with respect to compiling and disseminating required crime statistics and campus policies a priority.

The SPEAKER pro tempore, Ms. GREENE, recognized Mr. GOODLING and Mr. KILDEE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. GREENE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GOODLING demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. GREENE, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, September 11, 1996, pursuant to the prior announcement of the Chair.

#### ¶104.12 STUDENT DEBT REDUCTION

Mr. GOODLING moved to suspend the rules and pass the bill (H.R. 3863) to amend the Higher Education Act of 1965 to permit the lenders under the unsubsidized Federal Family Education Loan program to pay origination fees on behalf of borrowers; as amended.

The SPEAKER pro tempore, Ms. GREENE, recognized Mr. GOODLING and Mr. KILDEE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. GREENE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GOODLING demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. GREENE, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, September 11, 1996, pursuant to the prior announcement of the Chair.

#### ¶104.13 FEDERAL AVIATION AUTHORIZATION

Mr. SHUSTER moved to suspend the rules and pass the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. GREENE, recognized Mr. SHUSTER and Mr. OBERSTAR, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. GREENE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CANADY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. GREENE, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, September 11, 1996, pursuant to the prior announcement of the Chair.

The point of no quorum was considered as withdrawn.

#### ¶104.14 ANTARCTIC ENVIRONMENTAL PROTECTION

Mr. WALKER moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 3060) to implement the Protocol on Environmental Protection to the Antarctic Treaty:

Strike out all after the enacting clause and insert:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Antarctic Science, Tourism, and Conservation Act of 1996".

##### TITLE I—AMENDMENTS TO THE ANTARCTIC CONSERVATION ACT OF 1978 SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 2(a) of the Antarctic Conservation Act of 1978 (16 U.S.C. 2401(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (4) and (5) respectively, and inserting before paragraph (4), as redesignated, the following:

"(1) for well over a quarter of a century, scientific investigation has been the principal activity of the Federal Government and United States nationals in Antarctica;

"(2) more recently, interest of American tourists in Antarctica has increased;

"(3) as the lead civilian agency in Antarctica, the National Science Foundation has long had responsibility for ensuring that United States scientific activities and tourism, and their supporting logistics operations, are conducted with an eye to preserving the unique values of the Antarctic region;"

(2) by striking "the Agreed Measures for the Conservation of Antarctic Fauna and Flora, adopted at the Third Antarctic Treaty Consultative Meeting, have established a firm foundation" in paragraph (4), as redesignated, and inserting "the Protocol establish a firm foundation for the conservation of Antarctic resources;"

(3) by striking paragraph (5), as redesignated, and inserting the following:

"(5) the Antarctic Treaty and the Protocol establish international mechanisms and create legal obligations necessary for the maintenance of Antarctica as a natural reserve devoted to peace and science."

(b) PURPOSE.—Section 2(b) of such Act (16 U.S.C. 2401(b)) is amended by striking "Treaty, the Agreed Measures for the Conservation of Antarctic Fauna and Flora, and Recommendation VII-3 of the Eighth Antarctic Treaty Consultative Meeting" and inserting "Treaty and the Protocol".

##### SEC. 102. DEFINITIONS.

Section 3 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2402) is amended to read as follows:

##### "SEC. 3. DEFINITIONS.

"For purposes of this Act—

"(1) the term 'Administrator' means the Administrator of the Environmental Protection Agency;

"(2) the term 'Antarctica' means the area south of 60 degrees south latitude;

"(3) the term 'Antarctic Specially Protected Area' means an area identified as such pursuant to Annex V to the Protocol;

"(4) the term 'Director' means the Director of the National Science Foundation;

"(5) the term 'harmful interference' means—

"(A) flying or landing helicopters or other aircraft in a manner that disturbs concentrations of birds or seals;

"(B) using vehicles or vessels, including hovercraft and small boats, in a manner that disturbs concentrations of birds or seals;

“(C) using explosives or firearms in a manner that disturbs concentrations of birds or seals;

“(D) willfully disturbing breeding or molting birds or concentrations of birds or seals by persons on foot;

“(E) significantly damaging concentrations of native terrestrial plants by landing aircraft, driving vehicles, or walking on them, or by other means; and

“(F) any activity that results in the significant adverse modification of habitats of any species or population of native mammal, native bird, native plant, or native invertebrate;

“(6) the term ‘historic site or monument’ means any site or monument listed as an historic site or monument pursuant to Annex V to the Protocol;

“(7) the term ‘impact’ means impact on the Antarctic environment and dependent and associated ecosystems;

“(8) the term ‘import’ means to land on, bring into, or introduce into, or attempt to land on, bring into or introduce into, any place subject to the jurisdiction of the United States, including the 12-mile territorial sea of the United States, whether or not such act constitutes an importation within the meaning of the customs laws of the United States;

“(9) the term ‘native bird’ means any member, at any stage of its life cycle (including eggs), of any species of the class Aves which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

“(10) the term ‘native invertebrate’ means any terrestrial or freshwater invertebrate, at any stage of its life cycle, which is indigenous to Antarctica, and includes any part of such invertebrate;

“(11) the term ‘native mammal’ means any member, at any stage of its life cycle, of any species of the class Mammalia, which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

“(12) the term ‘native plant’ means any terrestrial or freshwater vegetation, including bryophytes, lichens, fungi, and algae, at any stage of its life cycle (including seeds and other propagules), which is indigenous to Antarctica, and includes any part of such vegetation;

“(13) the term ‘non-native species’ means any species of animal or plant which is not indigenous to Antarctica and does not occur there seasonally through natural migrations;

“(14) the term ‘person’ has the meaning given that term in section 1 of title 1, United States Code, and includes any person subject to the jurisdiction of the United States and any department, agency, or other instrumentality of the Federal Government or of any State or local government;

“(15) the term ‘prohibited product’ means any substance banned from introduction onto land or ice shelves or into water in Antarctica pursuant to Annex III to the Protocol;

“(16) the term ‘prohibited waste’ means any substance which must be removed from Antarctica pursuant to Annex III to the Protocol, but does not include materials used for balloon envelopes required for scientific research and weather forecasting;

“(17) the term ‘Protocol’ means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, including any future amendments thereto to which the United States is a party;

“(18) the term ‘Secretary’ means the Secretary of Commerce;

“(19) the term ‘Specially Protected Species’ means any native species designated as a Specially Protected Species pursuant to Annex II to the Protocol;

“(20) the term ‘take’ means to kill, injure, capture, handle, or molest a native mammal or bird, or to remove or damage such quantities of native plants that their local distribution or abundance would be significantly affected;

“(21) the term ‘Treaty’ means the Antarctic Treaty signed in Washington, DC, on December 1, 1959;

“(22) the term ‘United States’ means the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

“(23) the term ‘vessel subject to the jurisdiction of the United States’ includes any ‘vessel of the United States’ and any ‘vessel subject to the jurisdiction of the United States’ as those terms are defined in section 303 of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2432).”.

#### SEC. 103. PROHIBITED ACTS.

Section 4 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2403) is amended to read as follows:

##### “SEC. 4. PROHIBITED ACTS.

“(a) IN GENERAL.—It is unlawful for any person—

“(1) to introduce any prohibited product onto land or ice shelves or into water in Antarctica;

“(2) to dispose of any waste onto ice-free land areas or into fresh water systems in Antarctica;

“(3) to dispose of any prohibited waste in Antarctica;

“(4) to engage in open burning of waste;

“(5) to transport passengers to, from, or within Antarctica by any seagoing vessel not required to comply with the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), unless the person has an agreement with the vessel owner or operator under which the owner or operator is required to comply with Annex IV to the Protocol;

“(6) who organizes, sponsors, operates, or promotes a nongovernmental expedition to Antarctica, and who does business in the United States, to fail to notify all members of the expedition of the environmental protection obligations of this Act, and of actions which members must take, or not take, in order to comply with those obligations;

“(7) to damage, remove, or destroy a historic site or monument;

“(8) to refuse permission to any authorized officer or employee of the United States to board a vessel, vehicle, or aircraft of the United States, or subject to the jurisdiction of the United States, for the purpose of conducting any search or inspection in connection with the enforcement of this Act or any regulation promulgated or permit issued under this Act;

“(9) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer or employee of the United States in the conduct of any search or inspection described in paragraph (8);

“(10) to resist a lawful arrest or detention for any act prohibited by this section;

“(11) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detention of another person, knowing that such other person has committed any act prohibited by this section;

“(12) to violate any regulation issued under this Act, or any term or condition of any permit issued to that person under this Act; or

“(13) to attempt to commit or cause to be committed any act prohibited by this section.

“(b) ACTS PROHIBITED UNLESS AUTHORIZED BY PERMIT.—It is unlawful for any person,

unless authorized by a permit issued under this Act—

“(1) to dispose of any waste in Antarctica (except as otherwise authorized by the Act to Prevent Pollution from Ships) including—

“(A) disposing of any waste from land into the sea in Antarctica; and

“(B) incinerating any waste on land or ice shelves in Antarctica, or on board vessels at points of embarkation or debarkation, other than through the use at remote field sites of incinerator toilets for human waste;

“(2) to introduce into Antarctica any member of a nonnative species;

“(3) to enter or engage in activities within any Antarctic Specially Protected Area;

“(4) to engage in any taking or harmful interference in Antarctica; or

“(5) to receive, acquire, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any native bird, native mammal, or native plant which the person knows, or in the exercise of due care should have known, was taken in violation of this Act.

“(c) EXCEPTION FOR EMERGENCIES.—No act described in subsection (a)(1), (2), (3), (4), (5), (7), (12), or (13) or in subsection (b) shall be unlawful if the person committing the act reasonably believed that the act was committed under emergency circumstances involving the safety of human life or of ships, aircraft, or equipment or facilities of high value, or the protection of the environment.”.

#### SEC. 104. ENVIRONMENTAL IMPACT ASSESSMENT.

The Antarctic Conservation Act of 1978 is amended by inserting after section 4 the following new section:

##### “SEC. 4A. ENVIRONMENTAL IMPACT ASSESSMENT.

“(a) FEDERAL ACTIVITIES.—(1)(A) The obligations of the United States under Article 8 of and Annex I to the Protocol shall be implemented by applying the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to proposals for Federal agency activities in Antarctica, as specified in this section.

“(B) The obligations contained in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall apply to all proposals for Federal agency activities occurring in Antarctica and affecting the quality of the human environment in Antarctica or dependent or associated ecosystems, only as specified in this section. For purposes of the application of such section 102(2)(C) under this subsection, the term “significantly affecting the quality of the human environment” shall have the same meaning as the term “more than a minor or transitory impact”.

“(2)(A) Unless an agency which proposes to conduct a Federal activity in Antarctica determines that the activity will have less than a minor or transitory impact, or unless a comprehensive environmental evaluation is being prepared in accordance with subparagraph (C), the agency shall prepare an initial environmental evaluation in accordance with Article 2 of Annex I to the Protocol.

“(B) If the agency determines, through the preparation of the initial environmental evaluation, that the proposed Federal activity is likely to have no more than a minor or transitory impact, the activity may proceed if appropriate procedures are put in place to assess and verify the impact of the activity.

“(C) If the agency determines, through the preparation of the initial environmental evaluation or otherwise, that a proposed Federal activity is likely to have more than a minor or transitory impact, the agency shall prepare and circulate a comprehensive environmental evaluation in accordance

with Article 3 of Annex I to the Protocol, and shall make such comprehensive environmental evaluation publicly available for comment.

“(3) Any agency decision under this section on whether a proposed Federal activity, to which paragraph (2)(C) applies, should proceed, and, if so, whether in its original or in a modified form, shall be based on the comprehensive environmental evaluation as well as other considerations which the agency, in the exercise of its discretion, considers relevant.

“(4) For the purposes of this section, the term ‘Federal activity’ includes all activities conducted under a Federal agency research program in Antarctica, whether or not conducted by a Federal agency.

“(b) **FEDERAL ACTIVITIES CARRIED OUT JOINTLY WITH FOREIGN GOVERNMENTS.**—(1) For the purposes of this subsection, the term ‘Antarctic joint activity’ means any Federal activity in Antarctica which is proposed to be conducted, or which is conducted, jointly or in cooperation with one or more foreign governments. Such term shall be defined in regulations promulgated by such agencies as the President may designate.

“(2) Where the Secretary of State, in cooperation with the lead United States agency planning an Antarctic joint activity, determines that—

“(A) the major part of the joint activity is being contributed by a government or governments other than the United States;

(B) one such government is coordinating the implementation of environmental impact assessment procedures for that activity; and

(C) such government has signed, ratified, or acceded to the Protocol,

the requirements of subsection (a) of this section shall not apply with respect to that activity.

“(3) In all cases of Antarctic joint activity other than those described in paragraph (2), the requirements of subsection (a) of this section shall apply with respect to that activity, except as provided in paragraph (4).

“(4) Determinations described in paragraph (2), and agency actions and decisions in connection with assessments of impacts of Antarctic joint activities, shall not be subject to judicial review.

“(c) **NONGOVERNMENTAL ACTIVITIES.**—(1) The Administrator shall, within 2 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996, promulgate regulations to provide for—

“(A) the environmental impact assessment of nongovernmental activities, including tourism, for which the United States is required to give advance notice under paragraph 5 of Article VII of the Treaty; and

“(B) coordination of the review of information regarding environmental impact assessment received from other Parties under the Protocol.

“(2) Such regulations shall be consistent with Annex I to the Protocol.

“(d) **DECISION TO PROCEED.**—(1) No decision shall be taken to proceed with an activity for which a comprehensive environmental evaluation is prepared under this section unless there has been an opportunity for consideration of the draft comprehensive environmental evaluation at an Antarctic Treaty Consultative Meeting, except that no decision to proceed with a proposed activity shall be delayed through the operation of this paragraph for more than 15 months from the date of circulation of the draft comprehensive environmental evaluation pursuant to Article 3(3) of Annex I to the Protocol.

“(2) The Secretary of State shall circulate the final comprehensive environmental evaluation, in accordance with Article 3(6) of Annex I to the Protocol, at least 60 days be-

fore the commencement of the activity in Antarctica.

“(e) **CASES OF EMERGENCY.**—The requirements of this section, and of regulations promulgated under this section, shall not apply in cases of emergency relating to the safety of human life or of ships, aircraft, or equipment and facilities of high value, or the protection of the environment, which require an activity to be undertaken without fulfilling those requirements.

“(f) **EXCLUSIVE MECHANISM.**—Notwithstanding any other provision of law, the requirements of this section shall constitute the sole and exclusive statutory obligations of the Federal agencies with regard to assessing the environmental impacts of proposed Federal activities occurring in Antarctica.

“(g) **DECISIONS ON PERMIT APPLICATIONS.**—The provisions of this section requiring environmental impact assessments (including initial environmental evaluations and comprehensive environmental evaluations) shall not apply to Federal actions with respect to issuing permits under section 5.

“(h) **PUBLICATION OF NOTICES.**—Whenever the Secretary of State makes a determination under paragraph (2) of subsection (b) of this section, or receives a draft comprehensive environmental evaluation in accordance with Annex I, Article 3(3) to the Protocol, the Secretary of State shall cause timely notice thereof to be published in the Federal Register.”.

#### SEC. 105. PERMITS.

Section 5 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2404) is amended—

(1) in subsection (a) by striking “section 4(a)” and inserting in lieu thereof “section 4(b)”;

(2) in subsection (c)(1)(B) by striking “Special” and inserting in lieu thereof “Species”;

and

(3) in subsection (e)—  
(A) by striking “or native plants to which the permit applies,” in paragraph (1)(A)(i) and inserting in lieu thereof “native plants, or native invertebrates to which the permit applies, and”;

(B) by striking paragraph (1)(A)(ii) and (iii) and inserting in lieu thereof the following new clause:

“(ii) the manner in which the taking or harmful interference shall be conducted (which manner shall be determined by the Director to be humane) and the area in which it will be conducted;”;

(C) by striking “within Antarctica (other than within any specially protected area)” in paragraph (2)(A) and inserting in lieu thereof “or harmful interference within Antarctica”;

(D) by striking “specially protected species” in paragraph (2)(A) and (B) and inserting in lieu thereof “Specially Protected Species”;

(E) by striking “; and” at the end of paragraph (2)(A)(i)(II) and inserting in lieu thereof “; or”;

(F) by adding after paragraph (2)(A)(i)(II) the following new subclause:

“(III) for unavoidable consequences of scientific activities or the construction and operation of scientific support facilities; and”;

(G) by striking “with Antarctica and” in paragraph (2)(A)(ii)(II) and inserting in lieu thereof “within Antarctica are”;

(H) by striking subparagraphs (C) and (D) of paragraph (2) and inserting in lieu thereof the following new subparagraph:

“(C) A permit authorizing the entry into an Antarctic Specially Protected Area shall be issued only—

“(i) if the entry is consistent with an approved management plan, or

“(ii) if a management plan relating to the area has not been approved but—

“(I) there is a compelling purpose for such entry which cannot be served elsewhere, and

“(II) the actions allowed under the permit will not jeopardize the natural ecological system existing in such area.”.

#### SEC. 106. REGULATIONS.

Section 6 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2405) is amended to read as follows:

##### “SEC. 6. REGULATIONS.

“(a) **REGULATIONS TO BE ISSUED BY THE DIRECTOR.**—(1) The Director shall issue such regulations as are necessary and appropriate to implement Annex II and Annex V to the Protocol and the provisions of this Act which implement those annexes, including section 4(b)(2), (3), (4), and (5) of this Act. The Director shall designate as native species—

“(A) each species of the class Aves;

“(B) each species of the class Mammalia; and

“(C) each species of plant,

which is indigenous to Antarctica or which occurs there seasonally through natural migrations.

“(2) The Director, with the concurrence of the Administrator, shall issue such regulations as are necessary and appropriate to implement Annex III to the Protocol and the provisions of this Act which implement that Annex, including section 4(a)(1), (2), (3), and (4), and section 4(b)(1) of this Act.

“(3) The Director shall issue such regulations as are necessary and appropriate to implement Article 15 of the Protocol with respect to land areas and ice shelves in Antarctica.

“(4) The Director shall issue such additional regulations as are necessary and appropriate to implement the Protocol and this Act, except as provided in subsection (b).

“(b) **REGULATIONS TO BE ISSUED BY THE SECRETARY OF THE DEPARTMENT IN WHICH THE COAST GUARD IS OPERATING.**—The Secretary of the Department in which the Coast Guard is operating shall issue such regulations as are necessary and appropriate, in addition to regulations issued under the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), to implement Annex IV to the Protocol and the provisions of this Act which implement that Annex, and, with the concurrence of the Director, such regulations as are necessary and appropriate to implement Article 15 of the Protocol with respect to vessels.

“(c) **TIME PERIOD FOR REGULATIONS.**—The regulations to be issued under subsection (a)(1) and (2) of this section shall be issued within 2 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996. The regulations to be issued under subsection (a)(3) of this section shall be issued within 3 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996.”.

#### SEC. 107. SAVING PROVISIONS.

Section 14 of the Antarctic Conservation Act of 1978 is amended to read as follows:

##### “SEC. 14. SAVING PROVISIONS.

“(a) **REGULATIONS.**—All regulations promulgated under this Act prior to the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996 shall remain in effect until superseding regulations are promulgated under section 6.

“(b) **PERMITS.**—All permits issued under this Act shall remain in effect until they expire in accordance with the terms of those permits.”.

#### TITLE II—CONFORMING AMENDMENTS TO OTHER LAWS

##### SEC. 201. AMENDMENTS TO ACT TO PREVENT POLLUTION FROM SHIPS.

(a) **DEFINITIONS.**—Section 2 of the Act to Prevent Pollution from Ships (33 U.S.C. 1901) is amended—

(1) by redesignating paragraphs (1) through (9) of subsection (a) as paragraphs (3) through (11), respectively;

(2) by inserting before paragraph (3), as so redesignated by paragraph (1) of this subsection, the following new paragraphs:

"(1) 'Antarctica' means the area south of 60 degrees south latitude;

"(2) 'Antarctic Protocol' means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, and includes any future amendments thereto which have entered into force"; and

(3) by adding at the end the following new subsection:

"(c) For the purposes of this Act, the requirements of Annex IV to the Antarctic Protocol shall apply in Antarctica to all vessels over which the United States has jurisdiction."

(b) APPLICATION OF ACT.—Section 3(b)(1)(B) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(b)(1)(B)) is amended by inserting "or the Antarctic Protocol" after "MARPOL Protocol".

(c) ADMINISTRATION.—Section 4 of the Act to Prevent Pollution from Ships (33 U.S.C. 1903) is amended—

(1) by inserting ", Annex IV to the Antarctic Protocol," after "the MARPOL Protocol" in the first sentence of subsection (a);

(2) in subsection (b)(1) by inserting ", Annex IV to the Antarctic Protocol," after "the MARPOL Protocol";

(3) in subsection (b)(2)(A) by striking "within 1 year after the effective date of this paragraph,"; and

(4) in subsection (b)(2)(A)(i) by inserting "and of Annex IV to the Antarctic Protocol" after "the Convention".

(d) POLLUTION RECEPTION FACILITIES.—Section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) is amended—

(1) in subsection (b) by inserting "or the Antarctic Protocol" after "the MARPOL Protocol";

(2) in subsection (e)(1) by inserting "or the Antarctic Protocol" after "the Convention";

(3) in subsection (e)(1)(A) by inserting "or Article 9 of Annex IV to the Antarctic Protocol" after "the Convention"; and

(4) in subsection (f) by inserting "or the Antarctic Protocol" after "the MARPOL Protocol".

(e) VIOLATIONS.—Section 8 of the Act to Prevent Pollution from Ships (33 U.S.C. 1907) is amended—

(1) in the first sentence of subsection (a) by inserting "Annex IV to the Antarctic Protocol," after "MARPOL Protocol,";

(2) in the second sentence of subsection (a)—

(A) by inserting "or to the Antarctic Protocol" after "to the MARPOL Protocol"; and

(B) by inserting "and Annex IV to the Antarctic Protocol" after "of the MARPOL Protocol";

(3) in subsection (b) by inserting "or the Antarctic Protocol" after "MARPOL Protocol" both places it appears;

(4) in subsection (c)(1) by inserting ", of Article 3 or Article 4 of Annex IV to the Antarctic Protocol," after "to the Convention";

(5) in subsection (c)(2) by inserting "or the Antarctic Protocol" after "which the MARPOL Protocol";

(6) in subsection (c)(2)(A) by inserting ", Annex IV to the Antarctic Protocol," after "MARPOL Protocol";

(7) in subsection (c)(2)(B)—

(A) by inserting "or the Antarctic Protocol" after "to the MARPOL Protocol"; and

(B) by inserting "or Annex IV to the Antarctic Protocol" after "of the MARPOL Protocol";

(8) in subsection (d)(1) by inserting ", Article 5 of Annex IV to the Antarctic Protocol," after "Convention";

(9) in subsection (e)(1)—

(A) by inserting "or the Antarctic Protocol" after "MARPOL Protocol"; and

(B) by striking "that Protocol" and inserting in lieu thereof "those Protocols"; and

(10) in subsection (e)(2) by inserting ", of Annex IV to the Antarctic Protocol," after "MARPOL Protocol".

(f) PENALTIES.—Section 9 of the Act to Prevent Pollution from Ships (33 U.S.C. 1908) is amended—

(1) in subsection (a) by inserting ", Annex IV to the Antarctic Protocol," after "MARPOL Protocol,";

(2) in subsection (b)(1) by inserting ", Annex IV to the Antarctic Protocol," after "MARPOL Protocol,";

(3) in subsection (b)(2) by inserting ", Annex IV to the Antarctic Protocol," after "MARPOL Protocol,";

(4) in subsection (d) by inserting ", Annex IV to the Antarctic Protocol," after "MARPOL Protocol,";

(5) in subsection (e) by inserting ", Annex IV to the Antarctic Protocol," after "MARPOL Protocol"; and

(6) in subsection (f) by inserting "or the Antarctic Protocol" after "MARPOL Protocol" both places it appears.

#### SEC. 202. PROHIBITION OF CERTAIN ANTARCTIC RESOURCE ACTIVITIES.

(a) AGREEMENT OR LEGISLATION REQUIRED.—Section 4 of the Antarctic Protection Act of 1990 (16 U.S.C. 2463) is amended by striking "Pending a new agreement among the Antarctic Treaty Consultative Parties in force for the United States, to which the Senate has given advice and consent or which is authorized by further legislation by the Congress, which provides an indefinite ban on Antarctic mineral resource activities, it" and inserting in lieu thereof "It".

(b) REPEALS.—Sections 5 and 7 of such Act (16 U.S.C. 2464 and 2466) are repealed.

(c) REDESIGNATION.—Section 6 of such Act (16 U.S.C. 2465) is redesignated as section 5.

#### TITLE III—POLAR RESEARCH AND POLICY STUDY

##### SEC. 301. POLAR RESEARCH AND POLICY STUDY.

Not later than March 1, 1997, the National Science Foundation shall provide a detailed report to the Congress on—

(1) the status of the implementation of the Arctic Environmental Protection Strategy and Federal funds being used for that purpose;

(2) all of the Federal programs relating to Arctic and Antarctic research and the total amount of funds expended annually for each such program, including—

(A) a comparison of the funding for logistical support in the Arctic and Antarctic;

(B) a comparison of the funding for research in the Arctic and Antarctic;

(C) a comparison of any other amounts being spent on Arctic and Antarctic programs; and

(D) an assessment of the actions taken to implement the recommendations of the Arctic Research Commission with respect to the use of such funds for research and logistical support in the Arctic.

The SPEAKER pro tempore, Ms. GREENE, recognized Mr. WALKER and Mr. BROWN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment was agreed to.

A motion to reconsider the votes whereby the rules were suspended and said amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

#### ¶104.15 ENROLLMENT CORRECTION— H.R. 3060

Mr. WALKER, by unanimous consent, submitted the following concurrent resolution (H. Con. Res. 211).

*Resolved by the House of Representatives (the Senate concurring),* That in the enrollment of the bill (H.R. 3060) to implement the Protocol on Environmental Protection to the Antarctic Treaty, the Clerk of the House of Representatives shall make the following technical correction: In section 201(a)(1) strike "paragraphs (1) through (9) of subsection (a) as paragraphs (3) through (11)" and insert in lieu thereof "paragraphs (1) through (10) of subsection (a) as paragraphs (3) through (12)".

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

#### ¶104.16 CALIFORNIA INDIAN LAND TRANSFER

Mr. GALLEGLY moved to suspend the rules and pass the bill (H.R. 3642) to provide for the transfer of public lands to certain California Indian Tribes.

The SPEAKER pro tempore, Mr. MILLER of Florida, recognized Mr. GALLEGLY and Mr. FALEOMAVAEGA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

#### ¶104.17 DESERT CAHUILLA INDIANS CLAIMS SETTLEMENT

Mr. GALLEGLY moved to suspend the rules and pass the bill (H.R. 3640) to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MILLER of Florida, recognized Mr. GALLEGLY and Mr. FALEOMAVAEGA, each for 20 minutes.

After debate,

The question being put, viva voce,



Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶104.18 HOOPA VALLEY RESERVATION SOUTH BOUNDARY CORRECTION

Mr. GALLEGLY moved to suspend the rules and pass the bill (H.R. 2710) to provide for the conveyance of certain land in the State of California to the Hoopa Valley Tribe; as amended.

The SPEAKER pro tempore, Mr. MILLER of Florida, recognized Mr. GALLEGLY and Mr. FALEOMAVEGA, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶104.19 CROW CREEK SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND

Mr. GALLEGLY moved to suspend the rules and pass the bill (H.R. 2512) to provide for certain benefits of the Missouri River Basin Pick-Sloan project to the Crow Creek Sioux Tribe, and other purposes; as amended.

The SPEAKER pro tempore, Mr. MILLER of Florida, recognized Mr. GALLEGLY and Mr. FALEOMAVEGA, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to provide for certain benefits of the Pick-

Sloan Missouri River basin program to the Crow Creek Sioux Tribe, and for other purposes."

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶104.20 DROUGHT RELIEF

Mr. THORNBERRY moved to suspend the rules and pass the bill (H.R. 3910) to provide emergency drought relief to the city of Corpus Christi, Texas, and the Canadian River Municipal Water Authority, Texas, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MILLER of Florida, recognized Mr. THORNBERRY and Mr. ORTIZ, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶104.21 OVERSEAS PRIVATE INVESTMENT CORPORATION

Mr. ROTH moved to suspend the rules and pass the bill (H.R. 3759) to extend the authority of the Overseas Private Investment Corporation, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MILLER of Florida, recognized Mr. ROTH and Mr. PETERSON of Minnesota, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that two-thirds of the Members present had not voted in the affirmative.

Mr. ROTH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. MILLER of Florida, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, September 11, 1996, pursuant to the prior announcement of the Chair.

#### ¶104.22 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1324. An Act to amend the Public Health Service Act to revise and extend the solid-organ procurement and transplantation programs, and the bone marrow donor program, and for other purposes; to the Committee on Commerce.

And then,

#### ¶104.23 ADJOURNMENT

On motion of Mr. MICA, pursuant to the special order agreed to on September 5, 1996, at 5 o'clock and 56 minutes p.m., the House adjourned until 9 o'clock a.m. on Wednesday, September 11, 1996.

#### ¶104.24 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3535. A bill to redesignate a Federal building in Suitland, MD, as the "W. Edwards Deming Federal Building" (Rept. No. 104-780). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3576. A bill to designate the U.S. courthouse located at 401 South Michigan Street, in South Bend, IN, as the "Robert Kurtz Rodibaugh United States Courthouse"; with amendments (Rept. No. 104-781). Referred to the House Calendar.

#### ¶104.25 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUNNING of Kentucky (for himself and Mr. JACOBS):

H.R. 4039. A bill to make technical and clarifying amendments to recently enacted provisions relating to titles II and XVI of the Social Security Act and to provide for a temporary extension of demonstration project authority in the Social Security Administration; to the Committee on Ways and Means.

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. RAHALL):

H.R. 4040. A bill to amend title 49, United States Code, relating to intermodal safe container transportation; to the Committee on Transportation and Infrastructure.

By Mr. CONDIT:

H.R. 4041. A bill to authorize the Secretary of Agriculture to convey a parcel of unused agricultural land in Dos Palos, CA, to the Dos Palos Ag Boosters for use as a farm school; to the Committee on Agriculture.

By Mr. NADLER:

H.R. 4042. A bill to designate the U.S. courthouse located at 500 Pearl Street in New York City, NY, as the "Ted Weiss United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. ROBERTS:

H.R. 4043. A bill to establish the Tallgrass Prairie National Preserve in the State of Kansas, and for other purposes; to the Committee on Resources.

By Mr. SCHUMER (for himself, Mr. REED, Ms. LOFGREN, Mr. ACKERMAN, and Mr. HASTINGS of Florida):

H.R. 4044. A bill to encourage States to regulate the sale and use of certain handguns, and to gather information on guns used in crimes; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 4045. A bill to provide for parity in the treatment of mental illness; to the Com-

mittee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLANAGAN (for himself, Mr. BRYANT of Tennessee, Mr. CANADY, Mr. HEINEMAN, Mr. HOKE, and Mr. HYDE):

H.J. Res. 191. Joint resolution to confer honorary citizenship of the United States on Agnes Gonxha Bojaxhiu, also known as Mother Teresa; to the Committee on the Judiciary.

By Mr. WALKER:

H. Con. Res. 211. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3060.

#### ¶104.26 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 195: Mr. HOLDEN.  
H.R. 488: Mr. LIPINSKI.  
H.R. 903: Mr. TORRICELLI.  
H.R. 969: Mr. BALDACCIO.  
H.R. 1099: Mr. LEVIN.  
H.R. 1462: Mr. KIM, Mr. LUCAS, Mr. DOOLITTLE, Mr. HEFLEY, Ms. FURSE, Mr. ZIMMER, Mr. EHRLICH, Mr. ENSIGN, Mr. HAYWORTH, Mr. CAMP, Mr. PETRI, Mr. REED, Ms. MILLENDER-MCDONALD, Mr. BARCIA of Michigan, and Mr. DICKS.  
H.R. 1568: Ms. NORTON, Mr. BARRETT of Wisconsin, and Ms. SLAUGHTER.  
H.R. 1950: Mr. ROEMER.  
H.R. 2138: Mr. SHAYS.  
H.R. 2152: Mr. ANDREWS and Mr. RICHARDSON.  
H.R. 2209: Mrs. VUCANOVICH and Mr. DEFazio.  
H.R. 2270: Mr. BARCIA of Michigan.  
H.R. 2480: Mrs. MEYERS of Kansas.  
H.R. 2757: Mrs. MORELLA, Ms. DELAURO, Mr. FLANAGAN, Mr. LEWIS of Georgia, and Mrs. LOWEY.  
H.R. 2877: Mr. SANDERS.  
H.R. 2976: Mr. BARCIA of Michigan, Mr. BLUTE, Mr. CHABOT, Mr. EHLERS, Mr. FILNER, Mr. LEWIS of Georgia, and Mr. SAXTON.  
H.R. 3002: Mr. DREIER, Mr. MCCOLLUM, and Mr. BAKER of Louisiana.  
H.R. 3117: Mr. OLVER.  
H.R. 3119: Mr. OLVER.  
H.R. 3389: Mr. DAVIS.  
H.R. 3445: Mr. ACKERMAN.  
H.R. 3454: Mr. ACKERMAN.  
H.R. 3556: Ms. NORTON and Mr. BAKER of Louisiana.  
H.R. 3757: Mr. McDERMOTT.  
H.R. 3817: Mr. ROSE, Mr. BAKER of Louisiana, Mr. DORNAN, Mr. NETHERCUTT, Mr. McINNIS, Mr. CHABOT, Mr. COX, Mr. MCCOLLUM, Mr. TEJEDA, Mr. ALLARD, Mr. MICA, and Mr. ZIMMER.  
H.R. 3905: Mr. HEINEMAN and Mr. McKEON.  
H.R. 3937: Mrs. MYRICK, Mr. SAXTON, Mr. LIPINSKI, Mr. SHADEGG, Ms. DUNN of Washington, Mr. BRYANT of Tennessee, Mr. CHRISTENSEN, Mr. PARKER, Mr. COMBEST, Mr. SMITH of New Jersey, and Mr. ZIMMER.  
H.R. 3942: Ms. MCKINNEY and Mr. LIGHTFOOT.  
H. Con. Res. 10: Mrs. MORELLA.

### WEDNESDAY, SEPTEMBER 11, 1996 (105)

#### ¶105.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. HEFLEY, who laid before the House the following communication:

WASHINGTON, DC,

September 11, 1996.

I hereby designate the Honorable JOEL HEFLEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,

*Speaker of the House of Representatives.*

#### ¶105.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HEFLEY, announced he had examined and approved the Journal of the proceedings of Tuesday, September 10, 1996.

Pursuant to clause 1, rule I, the Journal was approved.

#### ¶105.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

5065. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's "Major" final rule—Control of Air Pollution; Final Rule for New Gasoline Spark-Ignition Marine Engines; Exemptions for New Nonroad Compression-Ignition Engines At or Above 37 Kilowatts and New Nonroad Spark-Ignition Engines At or Below 19 Kilowatts [FRL-5548-8] received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5066. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Las Vegas, New Mexico) [MM Docket No. 95-161] received September 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5067. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Brunei for defense articles and services (Transmittal No. 96-63), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5068. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 96-64), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5069. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Sweden (Transmittal No. DTC-41-96), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

5070. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of a major military equipment with Sweden (Transmittal No. DTC-40-96), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

5071. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC-31-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5072. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to the

United Kingdom (Transmittal No. DTC-38-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5073. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to United Kingdom (Transmittal No. DTC-54-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5074. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license agreement for the temporary export of defense articles or defense services sold commercially to Kazakhstan (Transmittal No. DTC-49-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5075. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Norway (Transmittal No. DTC-55-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5076. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license agreement for the temporary export of defense articles or defense services sold commercially to the Department of National Defense, Government of Malaysia (Transmittal No. DTC-45-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5077. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC-43-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5078. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5079. A letter from the FOIA Officer and General Counsel, Federal Mediation and Conciliation Service, transmitting a copy of the annual report in compliance with Government in the Sunshine Act during the calendar year 1995, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

5080. A letter from the Secretary, Securities and Exchange Commission, transmitting a correction to the Commission's annual report submitted June 12, 1996; to the Committee on Government Reform and Oversight.

5081. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries Off the West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Reductions [Docket No. 951227306-5306-01; I.D. 082996C] received September 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5082. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Editorial Amendments for Classification and Program Review; Inmate Discipline; Education, Training, and Leisure Time Program Standards; and Release Gratuities [BOP-1057-F] (RIN: 1120-AA56) received September 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5083. A letter from the Assistant Secretary of the Army (Civil Works), Department of